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Letter dated 28 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Bolivia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the texts of Santa Cruz Consensus (see annex I) and the Ibero-American Charter for the Public Service (see annex II) adopted at the fifth Ibero-American Conference of Ministers for Public Administration and State reform, held in Santa Cruz de la Sierra, Bolivia, on 26 and 27 June 2003 as part of the thirteenth Ibero-American Summit.

I should be grateful if you would arrange for this letter and its annexes to be circulated as a document of the fifty-eighth session of the Secretary-General, under item 12 of the provisional agenda.

(*Signed*) Erwin Ortiz **Gandarillas**
Ambassador
Alternate Permanent Representative
Chargé d'affaires a.i.

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Annex I to the letter dated 28 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Bolivia to the United Nations addressed to the Secretary-General

Fifth Ibero-American Conference of Ministers of Public Administration and State Reform

(Santa Cruz de la Sierra, Bolivia, 26 and 27 June 2003)

Santa Cruz Consensus

- **Building political and social consensus on public service reform**
- **Ibero-American Charter for the Public Service**
- **Resolutions**

The Ministers for Public Administration and State Reform and heads of delegation of the Ibero-American countries, convened as the fifth Ibero-American Conference of Ministers for Public Administration and State Reform on 26 and 27 June 2003 in Santa Cruz de la Sierra, Bolivia, at the initiative of the Latin American Centre for Development Administration (CLAD) and with support from the Ministry of Public Administration of Spain, the Spanish International Cooperation Agency (AECI), the International and Ibero-American Foundation for Administration and Public Policies (FIIAP), the Bolivian Ministry of Finance and the Bolivian National Personnel Management Service (SNAP).

- The fifth Ibero-American Conference of Ministers for Public Administration and State Reform discussed and presented policies for cooperation with respect to building political and social consensus on public administration reform with a view to ensuring that the management mechanisms of Ibero-American States develop the necessary capacities for achieving the goals of sustainable development, well-being and social equity and democratic governance pursued by those States.
- They achieved consensus on the following principles and agreed that they should be submitted to the next Summit of Heads of State and Government to be held in Bolivia in November this year.

Building political and social consensus on public administration reform

1. Various national experiences have showed how advisable or even necessary it is for the design and implementation of public administration reform and modernization policies in Ibero-American countries to be rooted in decision-making processes that secure majority support or socio-political consensus. This would ensure that such policies are institutionally viable and sustainable.

2. It has been noted that decisions concerning public administration reform or modernization policies are often dictated by critical circumstances that, in and of themselves, make it actually inevitable, given the very short response times, to opt for the alternative of building consensus or garnering broad-based support.

In the light of the foregoing, Governments and policy makers and opinion leaders should anticipate the need for such reform and modernization policies and

take the time to create propitious conditions for their adoption through consensus-building or inclusive decision-making.

3. Strategies based on consensus or inclusive decision-making should not be viewed as being at variance with the fundamental principle that the Government monitors and implements legislative mandates, regardless of whether or not they were enacted by a wide majority.

4. Depending on the nature and scope of a particular process, different stakeholders may have to be taken into account when building the broad support or political and social consensus required to carry out public service reforms. In that regard, the consensus may be political, institutional or social, depending on whether it involves political parties, State authorities or organized social sectors. Thus, it is important to identify the stakeholders in relation to the field, type and scope of the institutional reform process, if the appropriate type of support or consensus is to be achieved. Experience shows that citizens' involvement in the processes of public administration reform can be attained through their local government, political party or sectoral representatives. In any case, the important roles that political parties, civil society organizations and the private sector play by way of lobbying, mediation and representation should be highlighted.

5. Special note should be taken of the fact that the interests of the main players directly or indirectly supporting State and public administration reforms often vary considerably and may sometimes be opposed to such reforms. Governments therefore need to show creativity in devising strategies that can appropriately address this reality, using formulas that elicit and mobilize the support of those political and social sectors most directly involved in the reform process.

6. Public servants or their representative organizations, if any, should be involved in the processes of public administration and State reform because of the meaningful contribution they can make to such processes. Their contribution could be channelled through training or capacity development programmes for State workers designed to enhance their technical skills and job satisfaction.

7. For Governments to project a positive image of the State and public administration reform processes, as well as assign such reforms higher priorities on the public agenda and be able to mobilize the various sectors they wish to involve in such processes, they need a long-term vision for the nation and a conception of the State consistent with that vision. Moreover, acknowledging that public administration reforms are political in nature and form an integral part of all State reforms would be a fundamental step in addressing the need for evolving strategies which would make the reforms sustainable by building on the broadest political and social support or consensus.

Ibero-American Charter for the Public Service

8. A professional public service forms part of the institutional fabric that makes possible the progress and welfare of society. A professional and effective public service is necessary in order to have such an administrative system. The design of public service systems deals not only with the efficient functioning of Governments, but also with elements that affect the quality of democracy in the Ibero-American region.

9. Mindful of the foregoing, the representatives of the countries attending the fifth Conference considered and discussed in detail the Ibero-American Charter for the Public Service, acknowledged its usefulness to the Ibero-American countries as a source of inspiration containing guiding criteria for its use and application in accordance with each country's characteristics, and unanimously decided to adopt it.

10. The Ibero-American Charter for the Public Service is intended to be a useful instrument for the modernization and professionalization of the systems of public employment management and individual public service employees in the countries of the Ibero-American community. It is not a set of standards, but rather a reference point intended to contribute to a common language relating to the public service in Ibero-America that fully takes into account the characteristics, cultures, history and traditions of each country.

Resolutions

The Ministers for Public Administration and State Reform and heads of delegation of the Ibero-American countries, meeting on 26 and 27 June 2003 in Santa Cruz de la Sierra, Bolivia, on the occasion of the fifth Ibero-American Conference of Ministers for Public Administration and State Reform, decide to adopt the following resolutions:

1. To express gratitude to the Government of Bolivia, through the Ministry of Finance and the National Personnel Management Service, for its excellent support for the organization of the Conference, its traditional hospitality and its contribution to the climate of Ibero-American brotherhood throughout this meeting;

2. To express gratitude and appreciation to the Government of Spain, through its Ministry of Public Administration, the Spanish International Cooperation Agency (AECI) and the International Ibero-American Foundation for Administration and Public Policies (FIIAP), for providing the material resources that made it possible to hold this Conference;

3. To express to the Spanish Centre for Training and Cooperation its deepest gratitude for the magnificent hospitality and excellent organization of its facilities and services, which contributed considerably to the success of the Conference;

4. To acknowledge the initiative of the Division for Public Economics and Public Administration of the Department of Economic and Social Affairs of the United Nations to foster the preparation of an Ibero-American Charter for the Public Service and welcome its contribution to the material resources for the achievement of that goal;

5. To acknowledge the comments sent by participants in the Forum of Ibero-American Civil Service Officials that met in March 2003 in Cartagena de las Indias, Colombia, endorse the issues of special interest selected and considered by that Forum as a matter of priority and to welcome the annual holding of a meeting of the Forum of Civil Service Officials in Ibero-America to foster cooperation between Ibero-American countries and promote improvements in public service employment;

6. To continue to hold periodic meetings of Ministers for Public Administration and State Reform, prior to Summits of Ibero-American Heads of State and Government so as to contribute to decision-making and the formulation of recommendations in line with the common needs of public services of the region as well as to the strengthening of the Ibero-American community and its system of cooperation;

7. To accept the offer of the Government of Costa Rica to host the sixth Ibero-American Conference of Ministers for Public Administration and State Reform in 2004;

8. To entrust the Secretary-General of CLAD with the task of coordinating the necessary arrangements with the Government of Costa Rica in connection with the organization and holding of the sixth Ministerial Conference;

9. To recommend that CLAD continue serving as the instrument of exchanges between its members with respect to State reform, the strengthening of its public institutions and the modernization of its management mechanisms, and request it to carry out a survey to evaluate the results of the meetings of Ministers for Public Administration and State Reform held to date;

10. To request the pro tempore secretariat of the thirteenth Ibero-American Summit to submit, through the appropriate channels, the text of the present Santa Cruz Consensus to the Heads of State and Government for their consideration.

Argentina	(*Signed*) Eduardo Arturo Salas
Bolivia	(*Signed*) Javier Comboni
Brazil	(*Signed*) Nelson Machado
Colombia	(*Signed*) Carlos H. Moreno Bermúdez
Costa Rica	(*Signed*) Guillermo Lee Ching
Cuba	(*Signed*) Wilfredo López Rodríguez
Chile	(*Signed*) Rodrigo Egaña Baraona
Dominican Republic	(*Signed*) Darío Castillo
Ecuador	(*Signed*) Patricio Acosta
Guatemala	(*Signed*) Hector Cabrera
Mexico	(*Signed*) Hugo Nicolás Pérez Gonzalez
Nicaragua	(*Signed*) María José Jarquín
Panama	(*Signed*) Publio Ricardo Cortés
Paraguay	(*Signed*) José Morinigo Bosch
Peru	(*Signed*) Jaime Reyes Miranda
Portugal	(*Signed*) Rui Afonso Lucas
Spain	(*Signed*) Julio Gómez-Pomar Rodríguez
Uruguay	(*Signed*) Emilio A. Cabillón
Venezuela	(*Signed*) Raúl Pacheco

Annex II to the letter dated 28 July 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Bolivia to the United Nations addressed to the Secretary-General

Ibero-American Charter for the Public Service

Adopted by the fifth Ibero-American Conference of Ministers for Public Administration and State Reform

Santa Cruz de la Sierra, Bolivia, 26 and 27 June 2003

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Ibero-American Charter for the Public Service

Preamble

In accordance with the Declaration of Santo Domingo, adopted by the fourth Ibero-American Conference of Ministers for Public Administration and State Reform, the State has primary responsibility for defining social relations. From the perspectives of governance, economic development and the reduction of social inequalities, the State's role in modern society, particularly in the Ibero-American region, is essential for improving collective welfare.

The professionalization of the public service is a prerequisite for the improvement of the State, which, in turn, is necessary for countries' development. This means that public service employees must possess a series of attributes such as merit, ability, vocation to serve, efficiency in the performance of their duties, responsibility, honesty and adherence to the principles and values of democracy.

For the purposes of this Charter, the expression "public service", within the meaning attributed to it in chapter 1, shall be understood as the equivalent of "civil service", which is the preferred term in certain Ibero-American countries. All allusions and references to the former shall therefore be understood to apply without distinction to the latter, but political functions shall be excluded from the Charter.

Various studies carried out by international organizations have shown that there is a positive correlation between the existence of public or civil service systems endowed with the aforementioned qualities and the level of citizens' confidence in public administration, government effectiveness and the fight against

corruption and countries' capacity for economic growth. Moreover, a professional administration comprising such systems contributes to the strengthening of institutional frameworks and the soundness of democratic systems.

In order to establish such systems, government employment and human resources management regimes must incorporate the legal, organizational and technical criteria and the policies and practices inherent to transparent and effective human resources management.

In order to be effective, the management principles, procedures, policies and practices that form the basis of a public service structure must all be placed in an appropriate context within the institutional framework in which they must function. Requirements deriving from the history, traditions, socio-economic and political context of each country are determining factors as regards the specific components of any generic model.

Moreover, the quality of the different national public or civil service systems within the Ibero-American community varies considerably. Achieving a professional and effective public service is, for any democratic society, an ongoing objective and a means of improving many aspects of existing institutional arrangements. However, it should be borne in mind that the content, scope and intensity of the reforms necessary in each case will differ according to the various starting points.

Without prejudice to the foregoing, it is appropriate to point out a number of common factors, on which the design and operation of the various national public service systems in the Ibero-American region should be based. The definition of these factors and their adoption by Governments will, on the one hand, contribute towards focusing joint efforts to improve national systems and, on the other, make it possible to develop a common language relating to the public service in Ibero-America, which will facilitate all types of exchanges and strengthen existing links between countries in this field.

These are the objectives of the Ibero-American Charter for the Public Service which, for the countries that adopt it, will be a common reference point in the area of the public service. The Charter provides a generic, non-binding, frame of reference which should be adapted to each individual country's idiosyncrasies, history, culture, legal tradition and institutional framework. It allows for differing legislative and political situations, in accordance with the aforementioned heterogeneous nature of the region.

Chapter 1
Purpose and scope of the Charter

Objective

1. The Ibero-American Charter for the Public Service has the following objectives:

(a) To define the components of a professional and effective public service, given that this is crucial to the democratic governance of modern societies and proper public administration;

(b) To establish a general framework of guiding principles, policies and management mechanisms to be used as a common language in the area of public service in Ibero-American countries;

(c) To serve as a source of inspiration for specific applications, regulations, developments and reforms which, in each individual case, are necessary for the improvement and modernization of national public service structures.

The concept of public service

2. The public service is composed of all the institutional arrangements through which public employment and public service employees are defined and managed in the context of a specific national reality. These arrangements encompass written or informal standards, structures, cultural patterns, explicit or implicit policies, processes and various practices and activities whose purpose is to ensure satisfactory human resources management in the context of a professional and effective public administration in the public interest.

In the public sphere, the purposes of an employment and human resources management system must reconcile the objectives of effectiveness and efficiency with the requirements of equality, merit and impartiality which characterize professional administrations in democratic societies.

3. The basic features of this concept are:

(a) A professional administration means a public administration which is managed and controlled, but not dominated, by policy, in implementation of the democratic principle. This means that, for reasons of public interest, its work must retain a certain independence and impartiality;

(b) The concept is compatible with the existence of different public service models. The institutional arrangements framing access to public employment, the careers of public service employees, the competencies of the various actors and other elements of employment and human resources management do not necessarily have to be the same in the different national contexts;

(c) Public service systems may encompass one or more different types of employment relationships between public bodies and their employees which may be more or less closely related to ordinary employment regulations. A country's public service may comprise employment relations based on letters of appointment or contracts, governed by public or private law, where disputes are addressed before specialized judicial bodies or ordinary tribunals.

4. In order to establish and retain a professional administration, certain regulations specific to public employment, distinct from those governing ordinary work carried out by third parties, are required. However, the concept of public service as contained in this Charter transcends the legal dimension, since, as is often the case in the real world, the mere existence of standards may not be enough to guarantee the effective definition of the mechanisms which allow for the existence of a professional administration. Only the effectiveness of this definition in the social context makes it possible to speak of public service proper.

Scope

5. For the purposes of this Charter, the public service shall encompass:

(a) The various sectors of the politico-administrative system, including those such as education, health and so on which may have their own individual staff rules or regulations;

(b) The various levels of government and administration, including public employment within the framework of national government and subnational institutions, at both the intermediate and local levels;

(c) The various degrees of decentralized management, including both central and decentralized bodies, whether or not they have their own legal personalities.

Chapter 2
Guiding criteria and principles

Guiding criteria

6. The public service is a fundamental actor in the definition of political and administrative systems. Therefore, the modernization of public policies in the area of employment and human resources management is crucial to the reforms of public management undertaken in recent decades by a significant number of Governments worldwide. This Charter is a tool to be used in reform strategies incorporating the criteria which inspire such modernization efforts, and promotes the adoption of these criteria by public service systems in the countries of the Ibero-American community.

7. In particular, the following criteria inspire the aims of the Charter:

(a) The primary importance of employees for the proper functioning of the public service and the need for policies which ensure and extract maximum value from the human capital available to Governments and public sector bodies;

(b) The professionalism of the human resources at the service of public administrations, as a guarantee that citizens will receive the best quality public services;

(c) The stability of public employment and its protection in the face of arbitrary dismissal, without prejudice to established terms of office, whether indefinite or fixed;

(d) Flexibility as regards the organization and management of public employment, necessary for adapting, as quickly as possible, to changes in the environment and the changing needs of society;

(e) The responsibility of public service employees for their work and its results, together with their respect for and involvement in the development of public policies designed by Governments;

(f) Observance, by all staff falling within their scope, of the ethical principles of public service, honesty, transparency, scrupulousness in the management of public resources and constitutional values and principles;

(g) Leadership by public executives and the acceptance of their primary responsibility for the management of the individuals under their charge;

(h) The promotion of communication, participation, dialogue, compromise and consensus geared towards the public interest as methods of building relationships between public service employers and their staff, with a view to achieving the most favourable working environment and the greatest possible alignment between the aims of the bodies and the interests and expectations of their staff;

(i) The capacity of active policies to promote gender equality, the protection and integration of minorities and, generally speaking, inclusion and non-discrimination on grounds of gender, social background, ethnicity, disability and so on.

Guiding principles

8. The following are guiding principles for any public service system, and should feed into policies on employment and human resources management and be enshrined in actual staff practice:

- Equality of all citizens, without discrimination on grounds of gender, race, religion, political affiliation and so on;
- Merit, endeavour and ability as criteria governing access, career development and other human resources policies;
- Effectiveness, efficiency, efficacy of public action and policies and processes in the area of employment and personnel management;
- Transparency, objectivity and impartiality;
- Full compliance with the law.

Chapter 3
Basic concepts of the public service

The public service as an integrated system

9. In order to fulfil its proper functions, the public service must be established and must operate as an integrated management system whose basic purpose or raison d'être is to match employees to the strategy of the organization or multi-organizational system in order to achieve results consistent with those strategic priorities.

10. Achievement of the results sought by government agencies is contingent on employees in two ways:

(a) Results are influenced by the extent to which human resources are quantitatively and qualitatively adequate to the work assigned to them. Human resources management must therefore adjust to the agency's needs on a case-by-case basis, avoiding both excess and shortage and making any necessary changes as rapidly as possible.

(b) Results are contingent on the employees' performance of their duties; this, in turn, is dependent on two basic variables:

(1) The skills or combination of skills possessed by employees, which determine their suitability to carry out the work; and

(2) Motivation: the degree of effort which employees are prepared to bring to the performance of their functions.

The regulations, policies, procedures and practices of a public service system must therefore be designed to exert a positive influence on the conduct of public service employees and on their abilities and commitment to their work in the manner most appropriate to each situation.

Strategic coordination

11. Strategic coordination is a key element of any public service system. This means that the quality of its tools and activities cannot be evaluated from the point of view of technical standardization or objectivity without taking into account their place in the agency's strategy on a case-by-case basis. Recruitment and human resources management is useful only to the extent that it is consistent with the agency's priorities and objectives.

Situational factors

12. The effectiveness of institutional arrangements in the public service is influenced by conditions and variables within and outside the Government agency or agencies in which the service operates. While there are many such factors, some of them are particularly important because they have a great impact on recruitment and human resources management:

- At the internal level, the agency's structure — the procedures used to assign and coordinate work — and its management culture — the implicit beliefs, values and attitudes shared by its employees; and
- At the external level, the legal framework for implementation, the political system and the labour markets are the primary situational factors.

Coordination between arrangements specific to the public service and this set of factors is a prerequisite for the success of recruitment and human resources management policies and practices in any institutional environment.

Chapter 4
Functional requirements of the public service

Human resources planning

13. Any public service system needs to develop a set of planning instruments through which the agency assesses its quantitative and qualitative human resources needs over the short, medium and long term; compares the needs identified with its internal capacities; and decides what should be done to fill any gaps. Planning is the normal link between the agency's strategy and its set of recruitment and human resources management policies and practices.

14. High-quality human resources planning requires employee information data bases capable of providing accurate, updated information on the current and anticipated availability of human resources in quantitative and qualitative terms,

broken down by sector, department, agency, qualifications, age group and any other factor necessary to proper human resources management.

15. Human resources planning mechanisms and procedures should make it possible to:

- Make the best quantitative and qualitative use of existing staff;
- Flexibly adapt staffing policies and practices to changes in the agency and its environment;
- Properly allocate available resources, flexibly reassign staff in response to the agency's needs and appropriately share the workload between the agency's various departments and areas;
- Follow up on and update forecasts; and
- Ensure the active participation of managers in planning processes.

Organization of work

16. The organization of work requires human resources management instruments designed to establish the nature and conditions of each type of work (post descriptions) and the criteria to be met by the individuals hired to perform it (skills profiles).

17. Post descriptions should include the post's mandate, place in the agency, primary activities, functions, responsibilities of the incumbent, and goals — the areas in which results are to be achieved. Each post description shall seek to achieve a proper balance between:

(a) Clarity in describing the work, including the qualifications required for each post and the responsibilities entailed; and

(b) Flexibility in adapting the work to changing circumstances; in particular, it should be stated that the incumbent may be called upon to deal with unexpected situations and to work in cooperation with other members of a team.

Rapid changes in society, technologies and working methods make it advisable to conduct frequent, flexible reviews of post descriptions.

18. Skills profiles for incumbents should include the primary qualities or characteristics used to determine suitability and potential success in carrying out the work. The following must be taken into account in preparing skills profiles:

- The incumbent's qualifications should match the skills profile, which corresponds basically to the responsibilities of the post;
- Skills profiles should include not only specialized technical knowledge or experience in the exercise of similar functions; they should also cover all the other characteristics (aptitude, attitude, self-image, cognitive ability, motivation and personality traits) which modern human resources management theory considers relevant to successful performance; and
- Skills profiles should be the product of technical studies conducted by qualified personnel with knowledge of the post's responsibilities, using instruments capable of ensuring the reliability and validity of the product.

19. The classification of posts should result in a system organized according to the value of the contribution attributed to them and with the flexibility needed to facilitate:

(a) The functional and geographical mobility of employees for reasons of personal or agency interest; and

(b) Recognition of improved performance through the assignment of work of greater difficulty or responsibility.

Recruitment

20. Recruitment to the public service shall in all cases be governed by the following principles:

(a) Post announcements: the effective publication of vacancies under conditions ensuring that they are brought to the attention of all potential candidates;

(b) Fair competition in accordance with general criteria for recruitment to the public service with no restrictions other than those based on the skills profile, which must always correspond to the functional requirements of the post;

(c) Transparency in management of the process and in the functioning of recruitment and selection bodies;

(d) Specialization of the technical bodies responsible for conducting and concluding the recruitment process; their members must possess professional qualifications involving both knowledge of the work and the use of recruitment instruments;

(e) Guaranteed impartiality of the bodies responsible for conducting and concluding the recruitment process and, in particular, of each individual member thereof;

(f) Proven reliability and validity of the instruments used to verify applicants' skills;

(g) Selection of the best candidate on the basis of merit and ability;

(h) Effectiveness of the recruitment and selection processes in order to ensure that the candidates selected match the skills profile; and

(i) Efficiency and speed of the recruitment and selection processes with due respect for all the guarantees associated therewith.

21. With respect to the above-mentioned principles and in accordance with the skills profiles of the posts to be filled, the bodies responsible for conducting and concluding these procedures may use the following selection instruments:

- Consideration of candidates' curricula vitae and evaluation of their qualifications and references;
- Oral or written knowledge tests;
- Tests of skills or cognitive abilities;
- Tests of physical abilities;
- Exercises and simulations designed to test abilities and skills;

- Psychometric tests designed to assess personality or character traits;
- Medical examinations;
- Interviews;
- Competitive training courses; and
- Probationary or training periods.

22. In order for the principles established for recruitment to the public service to be effective, it is particularly important for public service systems to effectively guarantee the professionalism and impartiality of the bodies which conduct and conclude procedures. This will require methods to ensure:

- Verification of the necessary qualifications;
- The independence of members of such bodies from those in political power and from other interest groups; this is ensured through regulations governing their appointment, tenure and dismissal;
- Avoidance of any conflict of interest as a result of direct benefit from the proceedings; and
- The right of anyone with a legitimate interest in the proceedings to challenge them with just cause.

23. Public service mechanisms shall in all cases ensure that recruitment procedures respect the principles of equality and non-discrimination, gender equality and the inclusion of minorities in need of special protection, incorporating, where necessary, policies and active positive or affirmative action measures.

24. The principles and criteria for recruitment to the public service which are adopted through this Charter shall be applicable, mutatis mutandis, to any application for employment involving mobility or promotion, whether outside or within the public service.

Performance appraisal

25. Employee performance appraisals must form part of the human resources management policies adopted by any civil service system. Formal performance appraisal systems make it possible to:

(a) Obtain the information necessary to take decisions in various areas of human resources management, including remuneration, promotion, training and disciplinary matters;

(b) Validate human resources management policies and practices, contrasting and assessing their impact on conduct in the workplace;

(c) Guide employees' development and professional advancement;

(d) Improve employee motivation and performance.

26. Reliable and valid tools are required to carry out individual or collective performance appraisals. Results-oriented appraisals must be based on the prior standardization of results by means of the definition of objectives consistent with the purposes of the post occupied and the identification of precise indicators. Appraisals evaluating conduct in the workplace must be based on the application of

suitable scales of conduct or other technically tried and tested tools. The use of ambiguous, potentially unreliable tools which are likely to bias the appraisal or introduce elements of subjectivity or arbitrariness shall be avoided.

27. Carrying out employee performance appraisals, particularly when their aim is to stimulate and improve performance, requires the active involvement of managers, the immediate superiors of the employees being appraised. Training those responsible for carrying out appraisals in the required technical and social skills and obtaining their effective commitment to such practices are crucial conditions for success.

28. Appraisal systems must include mechanisms which allow individuals to express their disagreement with the evaluation of their performance and to convey this disagreement to both their supervisors and superior bodies. Care must be taken to prevent and penalize the inappropriate use of appraisals to support arbitrary or tyrannical practices or those which may be classified as moral harassment.

29. To the extent possible, and in a manner consistent with the institutional culture of public bodies, civil service systems shall, with a particular view to developing and enhancing individual skills, include 360-degree assessment or similar mechanisms, through which individuals receive feedback on their performance by those affected by it, whether of superior, subordinate or equal rank.

Remuneration

30. Any employment and human resources management system needs a remuneration strategy. Salary structures and remuneration policies and practices must reflect a series of priorities and objectives related to the strategy and financial and budgetary situation of the body concerned, and not be the simple result of inertia or retaliatory measures inspired by individual or collective demands or industrial disputes. The aim of remuneration policies shall be to stimulate effort, individual or group performance and the learning and development of skills on the part of public service employees.

31. Equity must be both the guiding principle in the design of salary structures and their fundamental characteristic. Equitable remuneration is apparent both within and outside organizations:

(a) Salary structures enjoy internal equity when employees:

- Believe, generally speaking, that they receive from the agency remuneration of all types which is commensurate with their own contributions, and;
- Consider that, in comparison with their own remuneration, the remuneration received by other employees is fair.

(b) External equity is characterized by competitiveness and salary efficiency:

- A salary structure is competitive when it is able to attract, motivate and retain employees with the necessary skills to occupy the various types of posts required by the agency;
- A salary structure is efficient when the total payroll costs at every level and in every sector are not excessive in comparison to market rates.

32. The salary range (the difference between the total remuneration received by the most highly paid employees and that received by the lowest paid) should be balanced: not too narrow, since this would undermine promotion and performance incentives, yet not too broad, since this might reflect the hijacking of the system by a small elite and a greater or lesser degree of salary inequity.

33. In the event that a variable remuneration policy is adopted with a view to stimulating individual or collective performance, its implementation must be accompanied by the prior definition of results or performance standards and of reliable appraisal procedures outlined and communicated in advance to all concerned and administrated with safeguards reducing, to the extent possible, subjectivity.

34. Decisions concerning salary administration shall, in general, be taken in accordance with coherent criteria based on the merit and ability of employees. Public service systems shall incorporate mechanisms which protect remuneration policies and practices against arbitrariness, rent-seeking or political clientelism.

35. The non-monetary benefits incorporated into public service systems must be equitable, effective for the achievement of their objectives and feasible in terms of the cost/benefit ratio.

36. The pension scheme for public service employees must be adequate to ensure the provision of social security and to enjoy the necessary financial stability. It must not create exorbitant privileges in comparison with other social groups or represent an excessive burden on State spending and the national economy.

Advancement

37. Public service systems must incorporate mechanisms which promote and stimulate the development of public service employees' skills, maintain high participation levels and satisfy, to the extent possible, their expectations in terms of professional development while reconciling those expectations with the needs of the agency.

38. The professional career of public service employees shall be facilitated by flexible regulations, which will eliminate, to the extent possible, formal obstacles or limitations. Alternatives to purely hierarchical trajectories shall be established in order to recognize development and professional excellence without the need to increase the formal authority of the employees concerned.

39. Promotion to more senior posts must be based on performance appraisals, assessments of potential and the development of skills. The most objective tools possible shall be used for this purpose, thereby reducing the risk of arbitrariness, nepotism or clientelism.

40. Public service employees must receive the training necessary to follow up their initial or access training in order to adapt to their changing duties, address performance shortfalls, enhance professional development and cope with changes within the agency.

41. The training of public service employees must be undertaken by means of plans designed to promote specific priorities of the agency in the context of global policies and must be based on realistic needs assessments. Evaluations must be carried out in respect of investment in training, training received, participant

satisfaction, the cost/results ratio and the impact of training on employee performance.

Workplace responsibility

42. Public service systems must be endowed with mechanisms to ensure, through appropriate means, attendance monitoring, the completion of full working days, tools to reduce absenteeism and, in general, public service employees' compliance with their workplace obligations.

43. The necessary standards concerning conflicts of public service employees' interests shall be established and strictly implemented in order to prevent employees from intervening in matters in which they may have an interest that may compromise their impartiality or call into question the image of the public administration.

44. Disciplinary procedures must make it possible to rectify, in an effective, dynamic and exemplary manner, unsatisfactory conduct on the part of public service employees. The disciplinary system shall be based on the description of violations, the proportionality of punishments, the impartiality of the organs responsible for examining and ruling on cases, the presence of both parties at the proceedings and the consistency between the proven facts and the ruling. Those employees involved in disciplinary proceedings shall be granted the protection provided for by the applicable law.

Separation

45. A simple change of government or the concurrence of circumstances or purely discretionary decisions shall not, in themselves, be sufficient justification for dismissals or the termination of employment contracts.

46. Where there is the possibility of dismissal on grounds of obvious incompetence or unsatisfactory performance, the mechanisms necessary to ensure the objective recognition of such circumstances must be created. Similarly, where there is the possibility of terminating, on an individual or a collective basis, public employees' contracts for technical, economic or organizational reasons requiring cutbacks in the number of posts, evidence of those reasons must be objectively recognized through procedures endowed with the necessary safeguards.

Human and social relations

47. Employment relationships within the public service should be guided by the following criteria:

(a) The right of public service employees to defend their interests, within the framework of national legislation and in a manner consistent with that legislation;

(b) Each party to the employment relationship must, without exceeding its authority, play its own role, which must be mutually recognized and accepted;

(c) Working conditions shall be determined in accordance with the provisions of applicable national legislation concerning elements which should be negotiable and those which correspond to legal standards or to the unilateral decision-making powers of the public service employer;

(d) The mechanisms and procedures which are established must contribute to the promotion of employment relationships which favour compromise and agreement and prevent confrontation and defamation of adversaries.

48. Public service systems must incorporate the rules and policies necessary to safeguard the rights of public service employees in the area of workplace health and safety.

49. Public service employers must take responsibility for familiarizing themselves with the working environment of their agencies. They must carry out periodic assessments and take those assessments into account when updating and improving their human resources policies and practices.

50. Internal communications policies and practices shall focus on:

(a) Being aware of information, initiatives, suggestions, opinions and requests emanating from public service employees;

(b) Providing precise information about decisions and guidelines emitted by superior bodies and efficiently circulating information relevant to services and employees. In this respect, the openness criteria employed must provide for the restriction of information only in respect of those matters which, on account of their nature, must remain confidential;

(c) Strengthening employees' perception that they belong to and are involved in the global mission of the agency and governmental strategies.

Organization of human resources functions

51. The essential functions and responsibilities in the area of employment and human resources management require the existence, in public sector agencies and multi-agency systems, of specialized units endowed with sound technical qualifications which, from a structural perspective, occupy positions of formal authority consistent with the high strategic value of their functions. The basic tasks of these central units or departments are as follows:

(a) Preparing strategic guidelines on employment and human resources management consistent with the organizational strategy and monitoring and following up their implementation;

(b) Taking forward and managing global staff planning processes and managing human resources management operations and processes which, owing to their scale or specialist nature, must be dealt with by a central body;

(c) Studying, analysing, assessing and transforming human resources management policies and practices and taking forward the reforms necessary to modernize human resources management and adapt it to the changing needs of public agencies;

(d) Supporting members of the chain of command in the exercise of their managerial functions.

52. Without prejudice to the relevant functions of central human resources units or departments, civil service systems must assign line managers in charge of units supplying public services a major role in the management of the staff under their supervision. This involves:

(a) Decentralizing and transferring to the chain of command all decisions affecting personnel in respect of which centralization does not produce greater benefits for the agency;

(b) Providing all managers with assessment, support and specialist technical personnel assistance services supplied by the central bodies;

(c) Strengthening the human resources management capacity of managers, creating permanent opportunities for training in the required knowledge and skills and defining all public service mechanisms in such a way as to promote and stimulate the increased involvement and accountability of managers in this area.

Chapter 5
Specific considerations relating to leadership roles

Professional leadership

53. The requirement for professionalism in the public service extends to leadership or managerial positions in political and administrative systems. For the purposes of the Charter, such positions are those directly beneath the political officials in Government. Under the strategic guidance and supervision of those officials, the employees in leadership posts manage the structures and processes used to implement public policy and provide public services. The leadership positions are different both from political posts and from ordinary, professional, public-service posts. Proper institutional structuring of modern public-service systems depends on leadership positions being suitably defined and consolidated.

54. Suitable institutional status for public service leadership positions needs institutional arrangements which:

(a) Allow delegation with a margin of managerial discretion over matters and issues which relate to management;

(b) Provide efficient monitoring and accountability systems to help to make managers responsible for their actions. The best monitoring systems for leadership positions are those which lean towards being results-oriented;

(c) A list of incentives and penalties connected with the responsibilities shouldered and dependent on the evaluation of management results;

(d) A series of common reference values which focus on rational use of resources and making the most of those resources to add value to public service.

Specific rules for leadership positions

55. The nature of leadership positions in the public service, and the need to ensure professionalism in those positions, require specific rules. The rules should define the range of duties attached to leadership positions, distinguishing them from political positions and from posts earmarked for members of the ordinary civil service. The rules would apply to civil servants assuming leadership roles and to managers from other fields.

56. Whether the leadership positions are treated as a separate category within a unified public service, or whether they are given a special status of their own, stipulations should be made regarding:

- Professional qualification requirements which define the precise skills needed for a post, and how to accredit those qualifications;
- Rules for access to a post which guarantee professionalism by establishing ability and merit criteria to establish the requisite level of trust for the nature of the post;
- Evaluation and accountability rules setting out results-based monitoring mechanisms, and criteria for assessing those mechanisms;
- Tenure rules linking occupation of a post to management results and providing some form of protection against summary dismissal;
- Incentives which encourage good management and link a portion of salary, and if appropriate also professional advancement, to results.

Chapter 6
Conditions for the effectiveness of the Charter

Multiple directions for development

57. The components of this Charter are those considered to be part of any public service system which is capable of coping with the purposes and challenges of modern public administration. This nucleus of components, and its translation into management regulations, structures, procedures, policies and practices, accommodates multiple directions for development which need to be tailored to history, tradition, culture and other influences of the institutional setting of the various national realities seen in the Ibero-American community of States. More particularly, the criteria adopted by this Charter for managing posts and human resources in the service of public agencies leave room for models of public service which differ according to:

- The salient features of the systems of guaranteeing and screening for professionalism on entry into the public service;
- The career structure for public service employees, especially the ability to opt for a job-based or career-based system;
- The scale of the system's administration, ranging from a uniform national model to a series of management structures and bodies distinguished by differing institutional links, geographical scale, sectoral specialization or other characteristics;
- Industrial relations frameworks, accommodating different degrees and forms of employer and employee representation and a wider or narrower forum for negotiating employment conditions for the public service.

58. Whatever the differences between national public service models, the criteria for managing jobs and human resources which this Charter covers need the right institutional environment in order to be fully effective. The main components of that environment include the legal framework for public service employment, the structure and internal capacities of public service systems and agencies and the dominant cultural values involved.

Legal framework

59. The criteria contained in the Charter call for regulatory frameworks which will provide a professional and efficient public service. To achieve that aim, they need to introduce particular variations and features which differ in some respects from those of ordinary jobs. Public service regulations should:

(a) Make the principles of equality, merit and capability fully operational in all aspects of management of the public service and public service employees, providing protection from politicization, clientelism, arbitrariness and subordination to special interests;

(b) Confine special rules to what is strictly necessary to guarantee professionalism in the public service and refrain from introducing special rules which result in discrimination or privilege for public service employees;

(c) Avoid making regulations too uniform and thus preventing them from adapting to the extraordinary diversity and variety of modern political and administrative systems;

(d) Incorporate standards of flexibility to enable efficient management of human resources and guide the public service reform on which many countries have embarked in the last 20 years.

Organizational structure

60. In order to enable public service systems to be managed efficiently, the structure of public agencies should include the following basic components:

- Bodies which specialize in managing recruitment and human resources, which have formal authority commensurate with the strategic value of their function and which focus on:
  - Rational use of resources;
  - Innovative personnel management policies and practices;
  - Support and advice to help line managers to be responsible for the staff assigned to them.
- A focus on giving the management of centres and units which deliver public services the powers they need to manage their employees, with appropriate monitoring and accountability systems.

Internal capacity

61. If public service systems are to be run in accordance with this Charter's guidelines, public agencies must have the necessary skills. The requirements for central authorities and the requirements for line managers are somewhat different:

- Central authorities responsible for human resources should have at their disposal advanced professional qualifications covering all the various disciplines needed to manage human resources, requiring a balanced knowledge of law, economic affairs, workplace psychology and public service management;

- Managers in charge of operational units must have suitable training in developing the technical and social skills needed to manage human teams. Particularly necessary is training in interpersonal and relationship skills.

Cultural change

62. The informal rules, mindsets and established rules of conduct of the public services in various national settings will need to be adapted to a greater or lesser degree in order to ensure that the institutional arrangements which this Charter regards as central to public service systems are efficient. In any event, the following steps will be needed to ensure that there are proper links within the model being advocated:

(a) Embracing public service models which avoid politicization and acknowledge the need for professional, merit-based administrations as a hallmark of a solid democracy;

(b) Discarding a bureaucratic vision of the public service, in which standard routines and procedures hold sway, in favour of one in which the focus is on results, innovation and learning;

(c) Adopting a flexible style of personnel management which is consistent with current workplace trends and public service reform;

(d) Ensuring that the institutions involved adopt the values intrinsic to the public service, particularly probity, economical use of resources, transparency in decision-making, evaluation and accountability and a commitment to serving the citizen.